

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES,  
Plaintiff,  
v.  
ALFONZO WILLIAMS,  
Defendant.

Case No. [13-cr-00764-WHO-1](#)

**ORDER REGARDING REVISED  
PRESERVATION ORDER**

Re: Dkt. Nos. 293, 302

On the government's representation that it and defense counsel for defendant Williams were on the cusp of agreeing to a Preservation Order after a meet and confer process, I gave the parties time either to complete their agreement or explain any disagreement. Dkt. No. 302. It appears that they instead retreated to their corners, requiring me to sort through intermingled comments that show their antipathy towards each other and their legitimate disagreements over the scope of the order. It would help, in the future, if comments displaying the former were not shared with me--the parties' difficulties with each other are already evident.

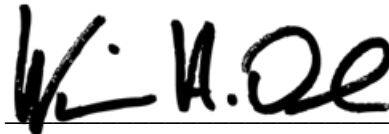
The purpose of a Preservation Order is to ensure that relevant information is not destroyed, inadvertently or otherwise, and instead that it is maintained for possible use at trial. In a case whose contours are not yet defined, such as this racketeering action where the government can be expected to prove acts in furtherance of the alleged conspiracy that are not identified in the Second Superseding Indictment, the Preservation Order must be broader than in more focused cases in order to be effective. I expect the Preservation Order to protect potentially relevant information regarding witnesses, including cooperators and informants associated with this case, as the defense has urged. Information bearing on a witness's credibility, such as prior statements, criminal activities and statements by others about them, should also be preserved. The Order need not

1 reach obviously unrelated materials involving those witnesses, nor need it require the government  
2 to identify and serve law enforcement agencies with the Preservation Order if the government does  
3 not have reason to believe that the agency has relevant information concerning this investigation.  
4 In this regard, I accept the government's list of the law enforcement agencies that are involved in  
5 the investigation of this matter, trusting in the integrity of the prosecutors to include other entities  
6 as they become aware of them.

7 Accordingly, I will enter the attached Revised Preservation Order. It leaves intact the first  
8 four paragraphs of the initial Order, revises the fifth as described in the preceding paragraph, and  
9 replaces the remainder with paragraphs 2, 3 and 4 from the proposed order filed by the  
10 government, slightly modified.

11 **IT IS SO ORDERED.**

12 Dated: March 24, 2015

A handwritten signature in black ink, appearing to read "W. H. Orrick", written over a horizontal line.

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14 WILLIAM H. ORRICK  
United States District Judge  
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